

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Jeffrey Denton, et. al.,
Plaintiffs

vs

Case No. 1:02cv422-SSB-TSH
consolidated with Case No. 1:02cv466-SSB-TSH
(Beckwith, J.; Hogan, M. J.)

Columbia Motors, et. al.,
Defendants

**ORDER GRANTING PLAINTIFF DENTON'S
MOTION TO EXTEND TIME TO OBTAIN COUNSEL
AND SETTING TELEPHONIC SCHEDULING CONFERENCE
FOR ALL PARTIES**

This matter is before the Court on plaintiff Jeffrey Denton's motion for extension of time to retain counsel. (Doc. 39). The motion, which was filed on October 27, 2003, is unopposed. Plaintiff Denton, proceeding *pro se*, initiated this employment discrimination action against defendant Columbia Motors, Inc. with the filing of a complaint on June 11, 2002. (Doc. 4). A similar case was later brought by pro se plaintiffs Denton and Andre Tucker, and eventually consolidated with this action. (See Doc. 19 and Case No. 1:02cv466-SSB-TSH). Plaintiff Denton requested and was eventually granted leave to proceed *in forma pauperis*. (Docs. 1, 2, 3, 5). After filing a motion requesting assistance in obtaining counsel which this Court

referred to the Volunteer Lawyers for the Poor project (VLP), plaintiff Denton informed the Court that he had obtained private counsel. (Docs. 8, 9, 10, 18). The Court conducted a settlement conference with all parties present on March 26, 2003, but was unable to resolve the case. (Doc. 24). Plaintiffs subsequently filed a motion to amend the complaint which was granted on March 28, 2003. (Doc. 25). On July 17, 2003, following several months of discovery, plaintiffs' attorney moved to withdraw from the case. (Doc. 32). The Court held an informal conference regarding counsel's motion to withdraw on August 29, 2003. (Doc. 34). On September 7, 2003, this Court issued an order granting counsel for plaintiffs leave to withdraw from the case and granting plaintiffs a sixty day extension of time within which to find new counsel. (Doc. 38).

As noted above, plaintiff Denton moved the Court for an additional extension of time to find new counsel on October 27, 2003. (Doc. 39). Plaintiff requested additional time, noting that his case had been referred to two local law firms but that he could not afford the retainer fee requested. Since the filing of the motion, plaintiff Denton has not communicated with the Court and no attorney has entered an appearance on his behalf.

While the Court understands plaintiff Denton may face financial constraints that affect his ability to retain counsel, he has been granted leave to proceed *in forma pauperis* in this matter and has availed himself of a referral from the Court to the VLP. This case was filed almost two years ago and there is not a current calendar order governing this matter. The case must move forward, even if that means that plaintiff proceeds pro se. Plaintiff's motion for an extension of time to obtain counsel is hereby granted up to and including March 9th, 2004. If plaintiff Denton has not secured representation by that time, he will be required to proceed in this matter pro se.

The Court notes that plaintiff Tucker has not moved for additional time to obtain counsel, and therefore the Court assumes that plaintiff Tucker intends to proceed *pro se*. The Court's order granting the parties additional time to obtain counsel was sent to plaintiff Tucker by certified mail and returned marked "No such address/street". (Doc. 38). Plaintiff Tucker is ORDERED to file a change of address with the Clerk of Courts on or before the March 9, 2004, scheduling conference. Failure to so file and or failure to participate in the telephonic conference may result in an order dismissing plaintiff Tucker's claims for lack of prosecution. *See Buck v. U.S. Dep't of Agriculture, Farmer's Home Admin.*, 960 F.2d 603, 608-09 (6th Cir. 1992); Fed. R. Civ. P. 41(b).

The Court will conduct a telephonic scheduling conference on Tuesday, March 9, 2004, at 10:30 a.m. The parties are ORDERED to call Chambers at (513)564-7650 for the conference.

S/ Timothy S. Hogan
Timothy S. Hogan
United States Magistrate Judge

February 4, 2004

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